

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5459 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

K.M DUTT & ORS.

Versus

STATE OF GUJARAT

Appearance:

MR GIRISH PATEL for Petitioners

MR HL JANI for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 12/03/97

ORAL JUDGEMENT

1. Heard learned counsel for the parties. The petitioners, ten in all, filed this Special Civil Application before this Court. In the Special Civil Application, grievance has been made that the list prepared in the year 1983 for appointment of peons may be directed to be kept operative till it is exhausted, and prayer has been made that the respondents may be restrained from terminating the services of the

petitioners No.1 to 3 and further they may be directed to reinstate the petitioners No.4 to 10.

2. The counsel for the petitioners submitted that the petitioners No.1 to 4, 6, 7 and 9 have already been selected and they have been given the regular appointment by the respondents. However, the petitioners No.5, 8 and 10 were not called for the regular appointment as they became over-age. In the Civil Application filed by the petitioner, this court has directed to the respondents to give opportunity to the petitioners to compete in the selection. The counsel for the petitioners does not dispute that the petitioners No.5, 8 and 10 were given a chance earlier when they were not over-aged, but at that time, they were not selected and in the subsequent selection they have not been called as they became over-age.

3. In view of this admission, nothing now survives so far as the petitioners No.5, 8 and 10 are concerned. They cannot be given the exemption of age limit for all the selections to be made. This exemption can be granted only once which has been granted to them. Though it is different matter that they have not been selected.

4. In view of this fact, this Special Civil Application with respect to the petitioners No.1 to 4, 6, 7 and 9 has become infructuous and the same is accordingly dismissed. So far as the petitioners No.5, 8 and 10 are concerned, this writ petition is dismissed on merits. Rule is discharged. Interim relief, if any, granted by this Court stands vacated.
